

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kenneth Hart

v.

No. 09-cv-355-PB

Warden, New Hampshire State Prison

Kenneth Hart

v.

No. 10-fp-533

John Does

O R D E R

Kenneth Hart has filed two motions, a motion for copies of case documents and a motion to defer payment of court fees. The motions have been docketed by the Court in Hart v. Warden, Civ. No. 09-cv-355-PB, a closed habeas corpus action, as document nos. 20 and 21 respectively.

The Court now finds the motions were inadvertently docketed in 09-cv-355-PB. The motions, filed without docket numbers, both indicate John Doe defendants in their captions. Hart has filed only one case in this Court against John Doe defendants, Hart v. Does, Civ. No. 10-fp-533. That case was closed on January 25, 2011, because Hart failed to file paperwork supporting his request for in forma pauperis status. The identity of the defendants in that case and the instant motions,

combined with the recent closure of the case, begs the conclusion that the motions were intended to be filed in 10-fp-533.

The Clerk's Office is therefore directed to redocket both motions in 10-fp-533. Once redocketed, the Clerk shall enter the following Order disposing of the motions:

The motion for copies of case documents is GRANTED. Although plaintiffs are generally charged for copies of case documents, the Court will allow Hart a one-time courtesy copy of the documents filed in Hart v. Does, No. 10-fp-533. The Clerk's office will forward a copy of each document in the case to Hart. Hart is advised that, going forward, copies of court documents will require payment in accordance with court rules.

The motion to delay payment of court fees is DENIED. Mr. Hart has requested that the court "delay, stay, stop defer order to pay court fees" on the basis that he needs certain legal property returned to him by the prison in order to litigate his case. The request is moot. Mr. Hart failed to complete his in forma pauperis application in this matter, which was the reason

the case was closed. Accordingly, no fees were assessed in this case, and there are no ordered payments to delay.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya B. McCafferty
United States Magistrate Judge

Date: March 14, 2011

cc: Kenneth Hart, pro se

LBM:jba